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LAURI HINES

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

LAURI HINES, ) Case No.: '11CV2469 DMS JMA  
Plaintiffs, )  
) **COMPLAINT AND DEMAND FOR**  
v. ) **JURY TRIAL**  
HUNT & HENRIQUES, ) **(Unlawful Debt Collection Practices)**  
Defendant. )  
)

**VERIFIED COMPLAINT**

LAURI HINES (Plaintiff), by attorneys, KROHN & MOSS, LTD., alleges the following against HUNT & HENRIQUES (Defendant):

## INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788 et seq.* (RFDCPA).

## **JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1337* grants this court supplemental jurisdiction over the state claims contained therein.

4. Defendant conducts business in the state of California, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1331(b)(2).

## PARTIES

6. Plaintiff is a natural person residing in San Diego, San Diego County, California.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)* and *Cal. Civ. Code § 1788.2(h)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Cal. Civ. Code § 1788.2(c)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national company with offices in San Jose, Santa Clara, California.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

## **FACTUAL ALLEGATIONS**

11. Beginning in approximately August 2011, Defendant began placing collection calls to Plaintiff seeking and demanding payment of an alleged debt.
12. Defendant calls Plaintiff at 858-688-8261 from 877-602-6858.
13. Defendant leaves messages failing to identify the name of its company and failing to provide the requisite warnings, to wit: “This is an attempt to collect a debt. This communication is from a debt collector.”
14. For example, on June 19, 2011, Defendant left a message from a collector named “Karen” but failed to identify itself or provide the requisite warning that the call was from a debt collector or made to collect a debt. *See Exhibit A.*

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to abuse and harass Plaintiff.
- b. Defendant violated §1692d(6) of the FDCPA by placing calls to Plaintiff without disclosing its identity.
- c. Defendant violated §1692e of the FDCPA by engaging in false, deceptive and misleading representations or means in connection with debt collection.
- d. Defendant violated §1692e(11) of the FDCPA by failing to provide the requisite warnings in its communications with Plaintiff, to wit: “This is an attempt to collect a debt. This communication is from a debt collector.”

WHEREFORE, Plaintiff, LAURI HINES, respectfully requests judgment be entered against Defendant, HUNT & HENRIQUES, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15  
*U.S.C. 1692k,*

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,  
*15 U.S.C. 1692k*

18. Any other relief that this Honorable Court deems appropriate.

**COUNT II**  
**DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION  
PRACTICES ACT**

19. Plaintiff repeats and re-alleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

20. Defendant violated the RFDCPA based on the following:

a. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, *15 U.S.C. § 1692 et seq.* to wit: 1692d and 1692e.

WHEREFORE, LAURI HINES, respectfully requests judgment be entered against Defendant, HUNT & HENRIQUES, for the following:

21. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788.30(b)*,

22. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code* § 1788.30(c), and

23. Any other relief that this Honorable Court deems appropriate.

## **DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, LAURI HINES, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: October 25, 2011 KROHN & MOSS, LTD.

By:/s/Nicholas J. Bontrager  
Nicholas J. Bontrager  
Attorney for Plaintiff

1                   **ERIFICATION OF COMPLAINT AND CERTIFICATION**

2 STATE OF CALIFORNIA

3 Plaintiff, LAURI HINES, states as follows:

4       1. I am the Plaintiff in this civil proceeding.

5       2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe  
6          that all of the facts contained in it are true, to the best of my knowledge, information  
7          and belief formed after reasonable inquiry.

8       3. I believe that this civil Complaint is well grounded in fact and warranted by existing  
9          law or by a good faith argument for the extension, modification or reversal of existing  
10       law.

11       4. I believe that this civil Complaint is not interposed for any improper purpose, such as  
12          to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a  
13          needless increase in the cost of litigation to any Defendant(s), named in the  
14          Complaint.

15       5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

16 Pursuant to 28 U.S.C. § 1746(2), I, LAURI HINES, hereby declare (or certify, verify  
17 or state) under penalty of perjury that the foregoing is true and correct.

18 DATE: 10/13/11



19                   LAURI HINES

**EXHIBIT A**

Monday, September 19, 2011 at 08:00 AM

Lauri, this is Karen calling from the Law Office of Hunt and Henriques. Please return my call at (877) 602-6858. Thank you.

